

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
AT ERIE**

SECURITIES AND EXCHANGE)
COMMISSION,)
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Plaintiff,) Civil Action No. 16-50
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)
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v.)
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)
FORTITUDE GROUP, INC., et al.,)
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)
)
Defendants.)
)

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court, having considered the Report and Recommendation of Magistrate Judge Susan Paradise Baxter, and the balance of record, **HEREBY ORDERS:**

- (1) The Court **ADOPTS** the Report and Recommendation, Docket No. 18.
- (2) Plaintiff's Motion for Default Judgment Against Fortitude Group, Inc., Docket No. 13, is

GRANTED.

- (3) Defendant Fortitude Group, Inc.—including its officers, agents, servants, and employees—is **PERMANENTLY RESTRAINED AND ENJOINED** from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 (the “Exchange Act”) [15 U.S.C. § 78j(b)] and Rule 10b-5(b) promulgated thereunder [17 C.F.R. § 240.10b-5(b)], by using any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, in connection with the

purchase or sale of any security to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading.

- (4) Consideration of Plaintiff's claim for a civil money penalty against Defendant Fortitude Group, Inc. is deferred until the Court is able to consider Defendant Thomas Parilla's liability.
- (5) The Clerk shall send copies of this Order to the parties.

IT IS SO ORDERED.

DATED this 1st day of March, 2017.



BARBARA J. ROTHSTEIN
UNITED STATES DISTRICT JUDGE